

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Jones

February 22, 2005

An act to amend Section 21081 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as introduced, Jones. CEQA: residential infill projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

CEQA prohibits a public agency from approving or carrying out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes specified findings with respect to each significant effect, including, among other things, that (1) the changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment or (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

This bill would provide that, if a residential project on an infill site in an urbanized area is in compliance with the traffic and transportation policies in the general plan or zoning ordinance of the local government, a public agency is not required to make those 2

findings for the impacts of that project on traffic at intersections, or on streets, highways, or freeways.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21081 of the Public Resources Code is
2 amended to read:
3 21081. (a) Pursuant to the policy stated in Sections 21002 and
4 21002.1, ~~no~~ a public agency shall *not* approve or carry out a
5 project for which an environmental impact report has been
6 certified ~~which~~ *that* identifies one or more significant effects on
7 the environment that would occur if the project is approved or
8 carried out unless both of the following occur:
9 ~~(a)~~
10 (1) The public agency makes one or more of the following
11 findings with respect to each significant effect:
12 ~~(1)~~
13 (A) Changes or alterations have been required in, or
14 incorporated into, the project which mitigate or avoid the
15 significant effects on the environment.
16 ~~(2)~~
17 (B) Those changes or alterations are within the responsibility
18 and jurisdiction of another public agency and have been, or can
19 and should be, adopted by that other agency.
20 ~~(3)~~
21 (C) Specific economic, legal, social, technological, or other
22 considerations, including considerations for the provision of
23 employment opportunities for highly trained workers, make
24 infeasible the mitigation measures or alternatives identified in the
25 environmental impact report.
26 ~~(b)~~
27 (2) With respect to significant effects ~~which~~ *that* were subject
28 to a finding under ~~paragraph (3) of subdivision (a)~~ *subparagraph*
29 *(C) of paragraph (1)*, the public agency finds that specific
30 overriding economic, legal, social, technological, or other
31 benefits of the project outweigh the significant effects on the
32 environment.

1 ***(b) If a residential project on an infill site in an urbanized area***
2 ***is in compliance with the traffic and transportation policies in***
3 ***the general plan or zoning ordinance of the local government, a***
4 ***public agency is not required to comply with subparagraph (A)***
5 ***or (B) of paragraph (1) for the impacts of that project on traffic***
6 ***at intersections, or on streets, highways, or freeways.***

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